

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|--------------------------------|
| JHAVON ROBINSON, | § |
| | § |
| Defendant Below- | § No. 467, 2005 |
| Appellant, | § |
| | § Court Below—Superior Court |
| v. | § of the State of Delaware, |
| | § in and for New Castle County |
| STATE OF DELAWARE, | § Cr. ID Nos. 0211000006 and |
| | § 0310013976 |
| Plaintiff Below- | § |
| Appellee. | § |

Submitted: February 10, 2006

Decided: April 18, 2006

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 18th day of April 2006, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The defendant-appellant, Jhavon Robinson, filed this appeal from the Superior Court's denial of his first motion for postconviction relief. We find no merit to the issues Robinson raises in his opening brief. Accordingly, we affirm the judgment of the Superior Court.

(2) The record reflects that Robinson pled guilty in July 2004 to two unrelated charges. Robinson pled guilty to one count of trafficking cocaine, which stemmed from a 2002 incident, and to one count of possession with intent to deliver cocaine, which stemmed from a 2003 arrest.

The Superior Court sentenced Robinson immediately to eight years at Level V imprisonment to be followed by decreasing levels of supervision. In September 2004, Robinson filed a motion for correction of sentence, which was denied. In June 2005, he filed a petition for postconviction relief, which also was denied. This appeal followed.

(3) Robinson's motion for postconviction relief challenged only his trafficking conviction. Robinson argued that the police lacked probable cause to arrest him for trafficking and that the evidence seized from him pursuant to that illegal arrest should have been suppressed. Robinson also argued that his trial counsel was ineffective for failing to file a suppression motion and that his guilty plea was rendered involuntary by his trial counsel's ineffectiveness.

(4) The Superior Court denied Robinson's motion on its merits, among other reasons, because the court concluded there was neither cause nor prejudice to Robinson from his counsel's failure to file a pretrial suppression motion.¹ In a careful analysis, the Superior Court concluded that the search and seizure of Robinson was lawful.² Thus, the Superior Court concluded, if counsel had filed a suppression motion, it would have

¹ *Strickland v. Washington*, 466 U.S. 668, 688, 693-94 (1984).

² *Jones v. State*, 745 A.2d 856, 868 (Del. 1999).

been denied. Consequently, counsel committed no error that could have undermined Robinson's decision to plead guilty.³

(5) Having carefully considered the parties' respective positions on appeal, we find it manifest that the judgment of the Superior Court should be affirmed on the basis of the Superior Court's well-reasoned opinion dated September 22, 2005. The Superior Court did not err in concluding that Robinson had failed to meet the two-part test of *Strickland v. Washington*, for establishing ineffective assistance of counsel. Having concluded that Robinson's guilty plea was knowing, voluntary, and intelligent and was not the product of ineffective assistance of counsel, we find no abuse of discretion in the Superior Court's summary denial of Robinson's motion without a hearing.⁴

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice

³ *Hill v. Lockhart*, 474 U.S. 52, 57, 59 (1985).

⁴ *Maxion v. State*, 686 A.2d 148, 151 (Del. 1996).